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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JODHPUR

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:: O R D E R ::

Shri Raja Industries Udaipur Vs. Karan Singh Rathore and another.

S.B. CIVIL MISC. CONTEMPT PETITION NO.116/2006.

Date of Order :: 11th May 2006.

PRESENT

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. P.S. Bhati, for the petitioner.

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BY THE COURT:

The petitioner seeks initiation of contempt proceedings against the officers of Rajasthan Financial Corporation (RFC) in relation to the order dated 07.01.1999 passed by this Court in S.B. Civil Writ Petition No.5668/1994.

The order dated 07.01.1999 in its entirety reads thus,-

> "Learned counsel Shri Gupta appearing for the respondent RFC submitted that the RFC has introduced "One Time Settlement Scheme" for settling the dispute between the parties and the RFC. The petitioner has deposited certain amounts, thereupon, this Court has stayed the operation of recovery of remaining amount. Mr. Gupta further submitted that the petitioner can also avail the benefit of "One Time Settlement Scheme" and in case he is aggrieved of the decision of RFC of that Scheme then he can file fresh petition.
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> In view of the above, learned counsel Shri Singhvi seeks permission to withdraw this petition at this stage as he wants to apply and avail of the benefit of "One Time Settlement Scheme" which is introduced by the RFC, with liberty to file fresh petition in case he is aggrieved of the decision of RFC in "One Time Settlement Scheme". Mr. Gupta for RFC has no objection to this.
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> In view of the above, this petition is dismissed as withdrawn with liberty to file fresh petition in case if the petitioner is aggrieved of the decision of RFC in "One Time Settlement Scheme". Stay granted earlier to continue provided the petitioner applies before the RFC under "One Time Settlement Scheme" within one month from today."

A bare look at the order aforesaid makes it apparent that the petitioner made specific submission before the court that he wanted to apply and avail of the benefit of 'One Time Settlement Scheme" and sought permission to withdraw the writ petition with liberty to file afresh in case he was aggrieved of the decision of RFC in such One Time Settlement Scheme (OTS). In view of the specific submissions

of the petitioner, while the petition was dismissed as withdrawn, liberty was given to him to file fresh petition if he was aggrieved with the decision of RFC in such OTS.

This court is clearly of opinion that if the petitioner felt that RFC has not come true to its suggestion and not granted the relief in 'true spirit' of the statement made before the court, as stated in this contempt petition; or if he was aggrieved of any of the decision of RFC in relation to OTS on his proposal to settle the dispute, nothing prevented the petitioner from moving a fresh petition, subject of course to all just exceptions, for redressal of his grievance with appropriate prayers. So far this Contempt Petition is concerned, this Court is satisfied that no case of any wilful disobedience whatsoever is made out against the respondents on the basis of allegations and averments as made in this petition.

The Contempt Petition is, therefore, rejected.

(DINESH MAHESHWARI), J.

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